



January 7, 2016

The Honorable Charles Breyer
United States District Judge
Northern District of California
450 Golden Gate Avenue, Dept. 6
San Francisco, CA 94102-3483

**Re: In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability
Litigation – MDL No. 2672**

Dear Judge Breyer:

I respectfully request the Court consider my appointment to the position of lead counsel as well as to the plaintiffs steering committee.

We believe there are four important areas that the Court has reviewed in similar circumstances. I will try to address the following:

1. Background of the law firm Girardi | Keese;
2. The important ability to deal with lawyers in the litigation on both sides;
3. Professional experience in this type of litigation; and
4. The ability to commit the proper time and the ability to commit the financial resources necessary to serve on the committee.

Background of the law firm GIRARDI | KEESE

The law firm has been in existence for more than four decades. Eighty percent of the lawyers have been employed here more than 17 years.

Similar percentages apply to the administrative staff. The firm has thirty lawyers, ten law clerks, ten data entry staff, and an administrative staff of forty employees. The law firm is properly staffed to handle complicated matters such as this. Although the law firm has major cases all over the country, the fact that it has a California presence could be helpful in this case. Most of the Volkswagen class members live in California. Our California residence also makes access to the Northern District of California a very easy matter.

Perhaps one of the nicest awards the firm has received took place 30 days ago. The "*Daily Journal*" (California's legal newspaper) came out with the list of the 25 Best Plaintiff Trial Lawyers in the State of

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California. I was listed and my partners David Lira and Amy Solomon were also listed. To have three lawyers in the "*Daily Journal*" list of the Top 25 Best Plaintiff Trial Lawyers in California was a terrific honor.

Important Ability to Deal with Lawyers on Both Sides of the Case

In this particular situation, having credibility with the plaintiffs' lawyers who are involved in the litigation is as or more important than having a good relationship with the defense. Due to the admissions of the defendant, there is a heightened emotion on behalf of my plaintiffs. I believe that my past shows my ability to deal with situations like this. It is not my style to mention the following facts but I feel it is important in considering my appointment.

I was the president of the International Academy of Trial Lawyers, an organization of both plaintiff and defense lawyers which is limited to 500 lawyers in the country. Inclusion in this organization is a particular honor because every judge in the jurisdiction the candidate practices in is asked to comment on the candidate's honesty, integrity and civility.

I was the national president for American Board of Trial Advocates. The organization is comprised of plaintiff and defense lawyers and requires that its members have taken to verdict a specific number of jury trials and conduct themselves with civility and integrity.

I am a member of the Inner Circle of Advocates which is limited to 100 plaintiff's lawyers in the country. Last year, I was president of the Litigation Counsel of America, which has a limited membership of lawyers of success and integrity.

In 2016, I will be the president of National Trial Lawyers Association. These memberships highlight my ability to deal with lawyers on both sides of a case.

Professional Experience in This Type of Litigation

Girardi | Keese has pursued a myriad of complex litigation and class action cases that have resulted in billions of dollars in recovery for plaintiffs. Girardi Keese is comprised of numerous attorneys with centuries of collective legal practice and experience, and maintains the highest peer ratings. Illustrative of Girardi Keese's experience are the following cases and successful resolutions:

- \$4.85 billion settlement in the Vioxx drug litigation; lead settlement negotiation;
- Confidential settlement amount in the Avandia drug litigation;
- \$333 million settlement for the residents of Hinkley, California in a mass toxic tort case involving contaminated drinking water;
- \$1.87 billion settlement during a prolonged jury trial, known as the "Sempra Energy Litigation";

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- \$1.7 billion settlement with El Paso Corporation on behalf of California consumers who suffered economic losses due to the manipulation of gas prices; and

- \$37.3 million settlement in the "Northridge Sales Tax Litigation".

I possesses the requisite skill and experience to effectively manage and lead the prosecution of the Volkswagen litigation. I have previously served as lead counsel on the Vioxx JCCP and Rezulin JCCP, and am currently serving as lead counsel on the Avandia JCCP No. 4578. In all three litigations, I was instrumental in the global settlement and resolution of the cases. Further, the Girardi Keese firm maintains a leadership role in various Multidistrict Litigation ("MDL") cases and JCCP litigations, including but not limited to the Plaintiffs' Steering Committees for Actos JCCP No. 4696, DePuy ASR JCCP No. 4649, DePuy MDL No. 2197, Yaz/Yamin MDL No. 2100 and Risperdal/Invega JCCP No. 4775 and as Lead Counsel for Yaz/Yasmin JCCP No. 4608 and Nexium MDL NO. 2404.

We have filed six cases in various jurisdictions in this matter. I have gotten support across the country for this appointment from lawyers who have more than 500 of these cases, specifically, Scott P. Schlesinger, Wiley Aitken, John Edwards, Neville Johnson, Joseph Rice and Chuck Phoenix. I understand that Wiley Aitken, John Edwards, and Joseph Rice are being considered for appointment to steering committee seats, which I certainly endorse.


Time and Financial Ability

If I am appointed, I look forward to dedicating every hour needed to properly address all of the numerous issues that we anticipate. The firm also has the financial ability to invest whatever is required to properly represent the members of the class. Members of the bench have indicated that they would be supportive of my nomination including Judge Robert Gary Klausner of United States District Court, Judge S. James Otero of United State District Court, Judge Phillip Gutierrez of the United States District Court, Judge Dan Buckley of the Los Angeles Superior Court, and Judge Eldon Fallon of the United States District Court in Louisiana (I was involved in leadership of the Vioxx cases which went on for some four years).

Finally, I would like to mention that I am one of two lawyers that have been on the "*Daily Journal*" list of the Top 100 Lawyers in California, every year since the list was first published more than 15 years ago.

Last month, I was honored by the National Law Journal by inducting me into the Elite Trial Lawyers Hall of Fame.

Respectfully submitted,



THOMAS V. GIRARDI
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